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February 12, 2019

***By ECF***

The Honorable Paul Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

*Re: United States v. Valle*, No. 12-CR-847

Your Honor:

On behalf of Gilberto Valle, I write to respectfully request that the Court decide Mr. Valle's pending motion for a certificate of innocence (Dkt. #435), filed on May 27, 2016.

A certificate of innocence is a prerequisite to Mr. Valle's claim for no-fault compensation for wrongful imprisonment under 28 U.S.C. § 2513. That claim is governed by a jurisdictional six-year statute of limitations that is not subject to equitable tolling under any circumstances. *See Zakiya v. United States*, 277 F. App'x 985, 988 (Fed. Cir. 2008). The limitation period likely expires no later than July 1, 2020—six years from Mr. Valle's release from custody.

We understand that the appeal of co-defendant Michael Vanhise remains pending in the Second Circuit. Mr. Vanhise's opening brief on appeal is not due until April 2019, and that appeal may not be decided before Mr. Valle's claim becomes time-barred.

We therefore respectfully request that the Court resolve the pending motion so that Mr. Valle has an opportunity to pursue relief if his motion is granted.

Sincerely yours,

/s/

Douglas E. Lieb